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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph R. BYRUM *et al.*

Appln. No.: 09/206,040

Filed: December 4, 1998

Title: Nucleic Acid Molecules and Other
Molecules Associated with Plants

Art Unit: 1632

Examiner: Scott D. Priebe

Atty. Docket: 16517.137/
38-21(15446)B

**Response and Amendment under 37 C.F.R. § 1.196(b)(1) to the Decision
of the Board of Patent Appeals and Interferences**

U.S. Patent and Trademark Office
Board of Patent Appeals and Interferences
Crystal Gateway 2
10th Floor, Room C01
Arlington, VA 22202

Sir:

In response to the Decision of Board of Patent Appeals and Interferences mailed August 20, 2003 (Paper No. 26) ("Decision"), imposing a new ground of rejection under 35 U.S.C. § 101, Applicants submit the following amendments and remarks.

In the event that any extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then permission to charge such fees is given in the accompanying transmittal letter.